

**Attachment
SMMC 1-22-01
Item #25**

LECHUZA BEACH ACQUISITION

**Agenda Item XI.
September 28, 2000**

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SMMC 1-22-01
Item #25

COASTAL CONSERVANCY

Project Summary
September 28, 2000

LECHUZA BEACH ACQUISITION

File No. 00-084
Project Manager: Steve Horn

RECOMMENDED ACTION: Authorization to disburse up to \$10,000,000 to the State Lands Commission to acquire 21 oceanfront lots and three inland parcels for public access to Lechuza Beach, Malibu.

LOCATION: West of Broad Beach Road, approximately four miles northwest of Point Dume, Malibu, Los Angeles County (Exhibits 1 and 2)

PROGRAM CATEGORY: Public Access

ESTIMATED COST:	Coastal Conservancy	\$ 8,000,000
	State Lands Commission (not yet authorized)	500,000
	Coastal Conservancy Challenge Grant	up to 2,000,000
	Private Donations (matching Challenge Grant)	<u>2,000,000</u>
	TOTAL PROJECT COST (estimated)	\$12,500,000

PROJECT SUMMARY: The proposed acquisition will provide for permanent public access to Lechuza Beach, a sandy cove in northern (western) Malibu. The project would provide funding to the State Lands Commission for the acquisition of 21 existing subdivided lots located on the sand, and for three inland parcels that would provide access between the beach and the first public road.

The subject property has been used by the public for beach recreation since 1991 with the permission of the landowner and the local homeowners' association, but permission for public use could be withdrawn at any time. The proposed acquisition is intended to assure that public access continues to be available. Prior to 1991, this area was a locked-gate subdivision with beach access only for residents and guests.

The acquisition project would be funded from Proposition 12, the 2000 park bond act (\$5,000,000), from public access appropriations to the Conservancy (\$3,000,000), from the State

Lands Commission Kapiloff Land Bank (estimated contribution \$500,000), from Governor's Challenge Grant funds (up to \$2,000,000), and from private charitable donations. The Challenge Grant funds require a one-for-one match with private donations.

The Conservancy will work with the State Lands Commission, the Coastal Commission, local governments, the Malibu-Encinal Homeowners Association, and other interested parties to develop agreements for management of the beach. Initially, and until a management plan is developed, no additional improvements would be installed. Public beach use would continue in the same manner as has been permitted and signed since 1991: during daylight hours, by pedestrian access from Broad Beach Road down either of the three improved routes of access, and with no support facilities such as restrooms or water service. The acquisition project will not be concluded until the Conservancy and/or the State Lands Commission have entered into agreements to ensure that the beach will be managed and available to the public in this manner.

In the longer term, an evaluation will be made of what physical improvements would be desirable to support or increase public access to Lechuza Beach, and what agency would be best to develop and operate those facilities. One possible agent for management of the beach for public access would be the Mountains Conservation and Recreation Authority (MRCA), a joint powers agency of which the Santa Monica Mountains Conservancy is a partner, which operates other State-owned park facilities in Malibu. Another such possible operator is Los Angeles County, which also manages other beaches nearby. Other alternatives would include a number of local nonprofit organizations. The Conservancy would continue to be responsible for the development of this management planning.

The State Lands Commission is scheduled to discuss the current litigation and the proposed acquisition in closed session at its meeting of September 19. It has not taken action to authorize either the purchase, a settlement agreement for the litigation or any funding, as of the date of this staff report (9/18). The Conservancy may take action first, defining the potential scope of its role and requirements for its participation in the project, to provide guidance to the State Lands Commission and other interested parties.

COASTAL CONSERVANCY

Staff Recommendation
September 28, 2000

LECHUZA BEACH ACQUISITION

File No. 00-084
Project Manager: Steve Horn

STAFF
RECOMMENDATION: Staff recommends that the State Coastal Conservancy adopt the following Resolution pursuant to Sections 31400-31405 of the Public Resources Code:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed ten million dollars (\$10,000,000) to the State Lands Commission (SLC) for the acquisition of fee title to Lots 140-156, Lot 76, Lot I, Lot U and a portion of Lot A, and fee title and/or easements in additional portions of Lot A, within Los Angeles County Tract No. 10630, as described in Exhibits 2 and 3 to the accompanying staff report, for public access to Lechuza Beach, Malibu, and authorizes the Executive Officer to enter into all necessary agreements for the acquisition and management of these properties, subject to the condition that prior to the disbursement of any funds for acquisition of the property:

1. The Executive Officer of the Conservancy shall approve the purchase agreement and all other acquisition documents, including evidence that the proposed acquisition of these interests in land is sufficient to assure permanent public access to Lechuza Beach;

~~2. The State Lands Commission shall secure all other funds necessary to complete the acquisition.~~

MRCA 3. ~~The State Lands Commission~~ shall submit for the review and approval of the Executive Officer a signing plan for the project acknowledging Conservancy participation; and

MRCA 4. ~~The State Lands Commission~~ shall enter into an agreement with the Conservancy to provide for management of the subject properties for public access to the beach."

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The Lechuza Beach property has coastal access values of statewide significance and will serve greater-than-local public needs;
2. The provision of funds to the State Lands Commission for acquisition of the Lechuza Beach property, and the execution of agreements to provide for management of the property for public access, are consistent with the authority of the Conservancy to implement a system of public accessways to and along the California coast pursuant to Sections 31400-31405; and
3. The project is consistent with the interim Program Guidelines and Criteria adopted by the Conservancy."

STAFF DISCUSSION:

Project Description:

It is recommended that the Conservancy provide up to \$10,000,000 to enable the State Lands Commission to acquire the subject properties. The Conservancy and the Lands Commission would enter into an agreement regarding management of the property for the immediate future, to assure that the property would remain open for public use in the same manner as it currently is.

Following the acquisition, the Conservancy and the State Lands Commission would jointly develop a long-term management plan for public access and use of the beach. The Conservancy and the Lands Commission may also enter into agreements with another public agency and/or nonprofit organization to provide for interim management services during the period while a management plan is being prepared.

The property interests that would be acquired by the State would include: (a) fee title to 21 vacant lots located on the sandy beach (Lots 140-156 and Lot U on Tract Map No. 10630); fee title to the undeveloped portion of Sea Level Drive (Lot A) located immediately inland of the beach; (b) fee title to one vacant lot located immediately inland of the beach and Lot A (Lot 76); (c) fee title to a 10-foot-wide trail corridor connecting Broad Beach Road to the beach (Lot D); (d) fee title and/or easements across each of the two developed portions of

Sea Level Drive, between Broad Beach Road and the beach, that would provide, at a minimum, for public pedestrian access and for vehicular access for emergency vehicles, beach maintenance, and a limited number of vehicles providing access for disabled persons.

Project Financing: The State would provide a minimum of \$8,500,000 for the acquisition, and would match on a one-to-one basis up to \$2,000,000 any private charitable contributions toward the acquisition. Thus the total acquisition cost would be between \$8,500,000 and \$12,500,000, depending upon the amount of private charitable contribution.

State contributions would come from:

Conservancy Public Access appropriations	\$ 3,000,000
Conservancy Proposition 12 appropriation	5,000,000
State Lands Commission Kapiloff Land Bank	<u>500,000</u>
	\$ 8,500,000
Conservancy Challenge Grant: up to	<u>\$ 2,000,000</u>
TOTAL STATE (expected)	\$10,500,000

The Conservancy Challenge Grant would require a one-for-one cash match from private charitable donations, during a specified, limited time period.

Recommended Conservancy funding, other than the Challenge Grant and the Proposition 12 appropriation, would derive from: (a) the General Fund; and (b) special funds appropriated for public access projects.

The State Lands Commission (SLC) has not yet taken action to authorize the proposed acquisition and funding, and has not yet settled with the landowner on a final acquisition agreement. The final purchase price and SLC funding contribution will be dependent upon future SLC action, following the completion of the acquisition agreement and approval of the recommended Conservancy grant.

Site Description: The Lechuza Beach property consists of 1,120 linear feet of shoreline comprising 21 lots, and three inland parcels between the beach and the public road. The beach in this area is typically 130-175 feet wide during the summer, with a cliff on the inland side that rises abruptly approximately 50 vertical feet. This is a typical sandy beach, with sand estimated to be 10-15

feet deep during the summer season, that may erode to cobble at some times during the winter.

The public has had access to the beach since 1991 when permission was granted by the current landowners and by the local homeowners' association. The public is currently permitted to enter through either of three metal gates, located along Broad Beach Road at East Sea Level Drive, West Sea Level Drive, and across from the Bunny Lane intersection, each of which bears a sign indicating that public access is permitted. No public vehicular access is permitted, and the conditions of use include a limit to daylight hours and restrictions on fires, dogs, and boat launching.

Public parking associated with beach access currently occurs along Broad Beach Road. It is estimated that there are approximately 170 on-street spaces located within 500 feet of one of the three points of entry. Since Broad Beach Road was once State Highway 1, it has a relatively wide right-of-way of 60 feet, permitting minimal interference between on-street parking and the two vehicular travel lanes.

No studies are available indicating the extent to which the public has been using Lechuza Beach since 1991. Informal estimates indicate that approximately 100-150 persons use the subject area of the beach on a typical summer weekend, with substantially fewer persons using the beach during the week. Conditions do not currently appear to be overcrowded.

Project History: The subject property was part of the Rindge rancho, and the lots were created by subdivision in 1932. The entire tract consists of a total of 170 lots located seaward of Broad Beach Road (old State Highway One). Most of the subdivided lots have been developed with residences, with the exception of the subject properties. Several beach lots adjacent to the subject property are in private ownership but limited by deed restrictions to open space and private recreation use.

The subject properties were acquired by the current owners in 1990. In 1991, the Coastal Commission considered and denied coastal development permit applications for the construction of residences on each of the parcels, finding that the proposed residences would have severe impacts on coastal resources. The landowners sued the Commission and the court mandated a rehearing by the Commission. In 1993, the Commission again denied the proposed residences, in part because of uncertainty regarding the location of the mean high tide line. Subsequent to

the 1993 permit denials, the landowners brought a lawsuit to settle the issue of the location of the mean high tide line, and that litigation continues to the present. The last decision of the Superior Court is currently on appeal and the litigation will proceed in the short term unless rendered moot by the proposed public acquisition of the lots.

In 1999, in the context of the litigation, the Conservancy staff agreed to assist the landowners and the State Lands Commission in determining whether the litigation could be settled through a public purchase. The landowners' appraiser submitted an appraisal of fair market value for review by the Department of General Services (DGS), incorporating three sets of assumptions regarding the amount of future development. With some modifications, DGS approved the appraisal documents in April 2000.

The passage of Proposition 12 in March 2000 provided substantial new funds to the Conservancy and essentially brought the proposed acquisition within the realm of financial feasibility. Prior to that, no combination of public funds seemed likely to provide the amount needed to reach agreement with the landowners. In July 2000 the fiscal year 2000/01 State Budget included an appropriation of Proposition 12 funds for the Lechuza Beach acquisition, added to the Governor's Budget during the Legislative hearing process.

In August 2000 the next step in the litigation between the landowners and the State Lands Commission was delayed by the court until mid-October, to enable the parties to try and settle the matter through a public acquisition. The three owners of the Lechuza Beach properties have all now offered to sell their interests to the State, if the transaction can be completed prior to the next court hearing. The matter is consequently being brought to the Conservancy at the September meeting, despite its location quite distant from the project site, because this is the only opportunity to meet the timeline imposed by the court's calendar and the landowners' offers.

Alternatives: (1) An alternative to the proposed acquisition would be to delay any action and allow the current litigation and future permitting process to run its course, relying on those processes to address residential development of the beach lots. This is the recommendation of some residents in the surrounding subdivision.

If the subject property is not acquired by the State as recommended, it will remain in private ownership. It is likely that the effort to secure residential development permits, suspended in 1993, will be initiated again when the current litigation is concluded.

The current litigation, involving the State, the homeowners association, and the landowners, is over the issue of the location of the mean high tide line. (The seaward boundary of the private property is the mean high tide line, an ambulatory line that moves in response to accretion, erosion, and sea level.) In the current stage of the litigation, the Court of Appeal is being asked to determine which of several surveyed locations of the mean high tide line should be considered valid. A final determination by the court will establish the line of current public ownership, which is certain to be further inland than indicated on the original tract map.

However, even if the combined effect of the current litigation and future regulatory processes were to prohibit or limit development without the necessity of public purchase, this would not assure any public access to Lechuza Beach. If the issue were somehow settled and the jeopardy of residential development removed entirely, it seems likely that neither the owners of the beach lots nor the surrounding residents would have a strong interest in maintaining public access to the beach. Prior to 1991, this was a locked-gate community, a private beach, and had always been so. The current public access is by express permission of the landowners, and that permission was extended in the context of a heated regulatory hearing process. Absent the dynamics of the 1991 development permit process, it seems very unlikely that there would be any public access today. That permission could be withdrawn just as readily, with little apparent recourse for the public.

(2) Another alternative would be to delay any effort at public acquisition, continue to pursue the current litigation, and seek to acquire the property at some point in the future when the owners may be willing to accept a lower price. There are several factors that recommend against this approach:

(a) There is no certainty that all three private landowners would remain willing sellers at a future date, and the existing subdivided lots could be conveyed to many more owners without any regulatory approvals required;

(b) For the purpose of appraising the fair market value of the subject properties, the State and the landowners agreed

to direct the appraiser to assume that the State would prevail in the litigation. In other words, the recommended acquisition price is supported by an appraisal that assumed that the mean high tide line would be as indicated by the State Lands Commission. If the landowners were to prevail in the litigation, this might affect their willingness to accept the financial terms of the proposed acquisition; and

(c) The availability of public funds to complete the acquisition at some point in the future would be dependent upon a variety of factors, including the State's economy and revenues, voter approval of future bond acts, and other project opportunities. The proposed project is now feasible only because of funds provided by the passage of Proposition 12, and it is very uncertain that public funds in sufficient amount would be available for acquisition at some point in the future.

(3) A third alternative would be to delay the acquisition effort while developing a plan for public beach use and any necessary improvements. This approach could provide an opportunity for public review of issues such as parking, signing, restrooms, etc., prior to a decision on whether to acquire the beach lots. An acquisition that precedes the development of a final management plan runs the risk that desirable improvements may not prove feasible. For this reason, it would also limit the extent to which interested parties can be certain of future State actions.

As with Alternative #2, however, the necessary delay of six months or more (to plan, design, and evaluate any proposed improvements) risks the loss of any opportunity to acquire the property from willing sellers. In addition, the development of substantial improvements is not an absolute requirement to support beach use, given the evidence of the past ten years of public use under the existing conditions. Finally, interested members of the public will have an opportunity to review proposed improvements through the CEQA and coastal development permit process. Again, the possible benefits of this alternative do not outweigh the potential loss of the entire public access project.

(4) The final alternative to be considered is the "no project" alternative. If the proposed project does not offer a reasonable prospect of providing permanent public beach access, or if the degree of access provided would not justify the substantial expenditure of public funds, it should be rejected. It may be pos-

sible to acquire the property at a later time for a lower amount (as discussed in Alternative #2 above), or the public could limit its use to the area seaward of the mean high tide line and could access that area by walking along the shoreline from other (somewhat distant) beach parks. This alternative would retain the proposed State funding for possible use in other projects, but it would not be consistent with the fiscal year 2000/01 appropriation of park bond funds for the Lechuza Beach project.

PROJECT SUPPORT: The City of Malibu has adopted a resolution in support of the public acquisition of Lechuza Beach (attached as Exhibit 5). Additional letters of support (Exhibit 6) for public acquisition are also attached, from Heal the Bay, Inc. and the local chapter of the Sierra Club.

Also attached in Exhibit 6 is a letter from the Malibu Encinal Homeowners Association (MEHOA), representing 80+ residents in the area surrounding the proposed project site, expressing the concern that public access may not be feasible and requesting that the Conservancy delay action to permit further consideration of this matter. In the event that the Conservancy and the State Lands Commission determine to proceed with the acquisition, it is likely that litigation may be instituted by MEHOA or individual residents seeking to prevent public use of the beach.

**CONSISTENCY WITH
CONSERVANCY'S
ENABLING LEGISLATION:**

Public Resources Code ("PRC") Section 31400 provides that the Coastal Conservancy has a principal role in the implementation of a system of public accessways to and along the California coastline. The acquisition and management of Lechuza Beach for public access would be consistent with that purpose.

PRC Sections 31400.1 and 31400.2 authorize the Conservancy to provide funding to public agencies, such as the State Lands Commission, for the acquisition of lands for public shoreline access. The Conservancy has determined to authorize this funding in consideration of the availability of Conservancy funds for this and other access projects, the unique opportunity to provide access to the Malibu shoreline, the potential participation and financial contribution of the State Lands Commission, and (as described below) the application of the Conservancy's project screening criteria.

The Conservancy is authorized by PRC Sections 31400.3 and 31404 to enter into lease agreements and provide such other assistance as is necessary to provide for a system of public accessways. Pursuant to these authorities, the Conservancy may enter into one or more agreements with the State Lands Commission, other public agencies, and/or with nonprofit organizations to facilitate the acquisition of the subject property and its management and operation for public shoreline access.

**CONSISTENCY WITH
CONSERVANCY'S
PROGRAM GUIDELINES:**

The proposed project is consistent with the Conservancy's Interim Program Guidelines and Criteria adopted May 27, 1999, in the following respects:

Required Criteria

Promotion of the Conservancy's statutory programs: The project is an acquisition of sandy beach and connecting trails, consistent with the purposes of Chapter 9 of Division 21 of the Public Resources Code, the Conservancy's Public Access Program.

Consistency with the proposed funding sources: The project would be funded from several appropriations, including Proposition 12, the General Fund, and special funds appropriated for public access purposes. The appropriation from Proposition 12 (fiscal year 2000/01) is specifically for the Lechuza Beach project, and the project is consistent with the budgetary purposes of all of the other appropriations as well.

Support: The proposed acquisition and use of the Lechuza Beach properties for public shoreline access is supported by government agencies including the City of Malibu, by private conservation organizations including the Surfrider Foundation, Heal the Bay, and the local chapter of the Sierra Club, and by Assemblymember Sheila Kuehl in whose district the project is located. The provision of a substantial portion of the proposed funding through a specific line-item appropriation in the fiscal year 2000/01 State Budget also indicates the extent of support for the project from the Legislature and the Governor.

Location: The project site is in Malibu, Los Angeles County, an area identified by the Conservancy through its Strategic Plan and other policy analyses as among the highest priorities for the provision of public shoreline access opportunities. Readily accessible from on-street parking areas along Broad Beach Road

and along existing pedestrian trails, the site is well-suited to permanent public access use.

Need: Feasible opportunities for providing public shoreline access in Malibu are quite limited, as the Conservancy has determined through several other efforts to do so (e.g., Chiate-Wildman easement, Broad dedication, etc.). While the subject property will only provide a small new public beach, it will contribute to the creation of a continuous public access system along the Malibu coast, through providing a linkage with other public and private shoreline open space and providing vertical linkages to the first public road. In view of the substantial increase in population expected within Los Angeles and Ventura Counties, every opportunity to meet recreational needs is significant.

Additional Criteria:

Urgency: The three private landowners have indicated a willingness to convey their properties to the State if the transactions can be consummated quickly. In some part, the pending Court of Appeals hearing on the litigation between the landowners and the State Lands Commission likely influences this timing. If the proposed acquisition is not approved, and the process of litigation moves forward, there is no certainty that all of the landowners will be willing to sell following the decision of the court.

Greater than Local Interest: The Malibu coast is visited regularly by many persons from the Los Angeles metropolitan area. Public access to the subject property has been provided since 1991 with the permission of the landowners. Unless the property is conveyed to the public there can be no certainty that the current permission for public use will not be withdrawn at any time, returning to the "locked-gate" condition that existed prior to 1991. The Conservancy has had little success in obtaining public access through other locked-gate communities, either in Malibu or elsewhere.

Resolution of More than One Issue: In addition to providing for permanent public shoreline access, the proposed project would also assure that no private development occurs on the subject property. While no such development could take place unless permitted by the City of Malibu and/or California Coastal Commission, it must be regarded as a possibility. Such development, if permitted, would have an adverse effect on the existing scenic quality of the beach, and the construction of any

structure on the beach could affect shoreline processes and contribute to beach erosion, as described in the Coastal Commission staff reports on these proposals in 1991 and 1993. Acquisition of the property as recommended would eliminate all potential for such private development.

Conflict: As indicated above, the proposed project would end the legal conflict between the State Lands Commission and the landowners regarding the location of the mean high tide line, and would avoid any future conflict regarding proposed residential development.

Readiness: The landowners have offered to sell, the appraisal has been reviewed and approved by the Department of General Services, and Conservancy funds are currently available. The project is ready now to be implemented, pending action by the Conservancy and the State Lands Commission.

Cooperation: As already stated, the project would involve a partnership between the Conservancy and the State Lands Commission. In addition, the Conservancy will seek to design the long-term management plan for the beach in cooperation with the City of Malibu (which has expressed its support of the acquisition) and with concerned private parties including nearby residents and local conservation groups.

**CONSISTENCY WITH
THE COASTAL ACT:**

The Coastal Act (1976) provides that "... maximum access ... and recreational opportunities shall be provided for all the people. . . ." It also provides that such access shall be conspicuously posted, and that it shall be designed and regulated to protect the rights of private property owners and to avoid adverse effects on the natural environment. It provides in Public Resources Code ("PRC") Section 30211 that development "... shall not interfere with the public's right of access to the sea ... including, but not limited to, the use of dry sand ... to the first line of terrestrial vegetation." The proposed project would accomplish these purposes.

In addition, the project would also be consistent with PRC Section 30212, which encourages the provision of public access between the sea and the first public road, and with PRC Section 30212.5, which encourages the geographic distribution of public access facilities so as to avoid overcrowding of any single area. The proposed project would provide three public access routes between Broad Beach Road and the shoreline,

and it would establish these new routes of access in an area that would otherwise not be proximate to such access.

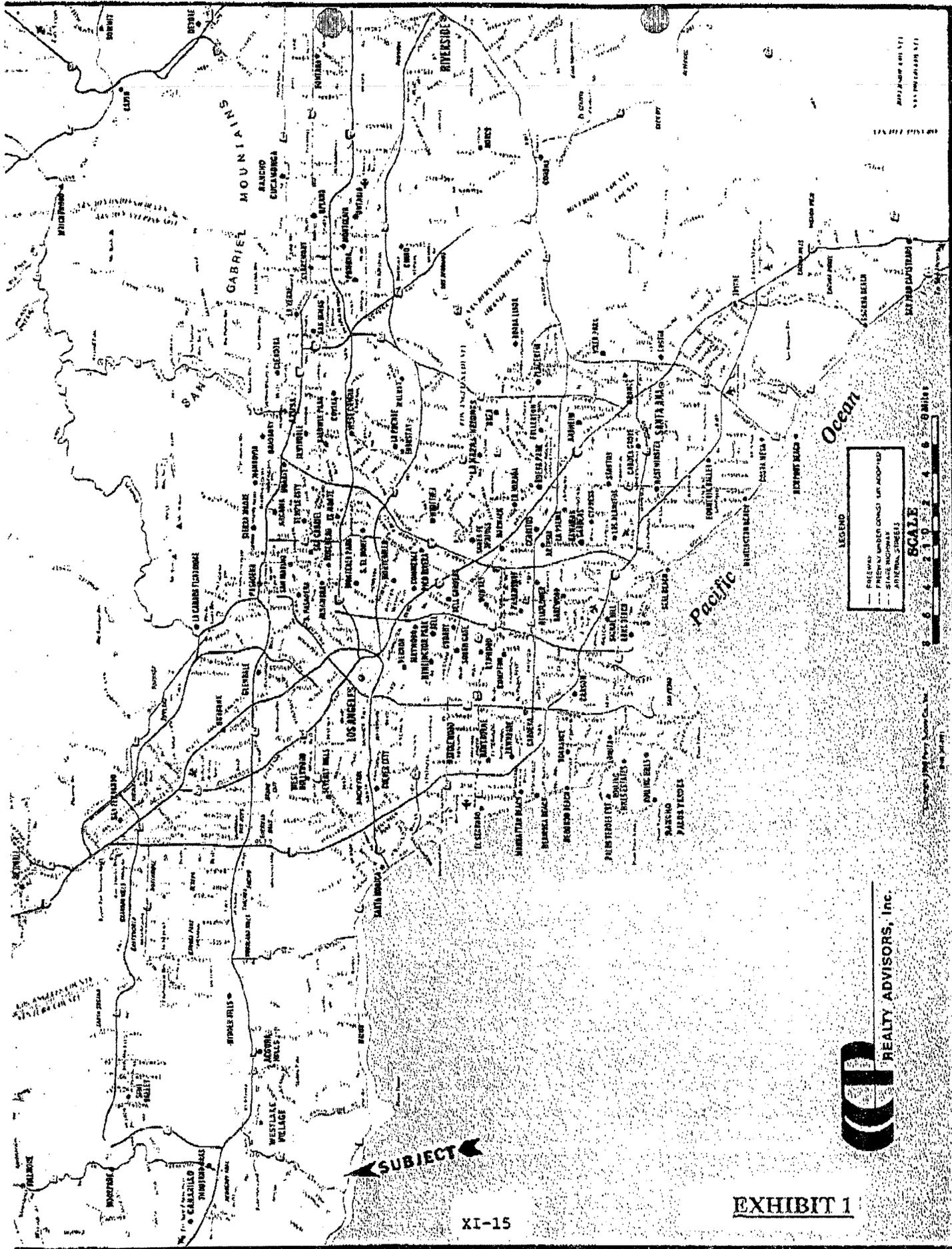
CONSISTENCY WITH
LOCAL COASTAL
PROGRAM POLICIES:

The project site is located in an area for which there is no certified Local Coastal Program, because of the incorporation of the City of Malibu in 1991. Previously, the County of Los Angeles prepared and the California Coastal Commission approved a land use plan for this area pursuant to the Coastal Act. While that plan does not now have legal effect due to the subsequent incorporation, it did contain some policies that are directly relevant to the proposed project.

The 1986 County LCP, approved by the Coastal Commission, provides that in the Lechuza Beach area, new vertical access should be provided because the area would not otherwise meet the County's minimum standard of one vertical access for each 2,000 feet of beach. More directly, the 1986 LCP also states with respect to Lechuza Beach, "Public purchase of beach and accessway properties is an objective in this area." On the LCP map regarding public access opportunities, Lechuza Beach is identified as a "High Priority" site for the "creation and improvement of beach access." (Exhibit 4) Through acquisition and operation of the beach and trail properties for public access, clearly the proposed project would implement this element of the 1986 LCP.

COMPLIANCE
WITH CEQA:

Acquisition and management of the Lechuza Beach property to provide for continued public shoreline access as described in this staff recommendation is exempt from review under CEQA pursuant to 14 Cal. Code of Regulations Sections 15301(c), 15316, and 15325. The project is limited to the acquisition of property as public parkland for the purpose of preserving natural open space and permitting public access to the beach. No management plan has been prepared for the public park, and no development of additional facilities will take place until a management plan and environmental analysis has been approved. Until that occurs, public use will continue in the same manner as has been permitted by the private landowners since 1991. As a consequence, the proposed project will consist solely of the continued operation of existing trails, involving negligible or no expansion of use beyond that previously existing, and will not result in any physical effect on the environment. Upon approval of the project, staff will file a Notice of Exemption.



LEGEND

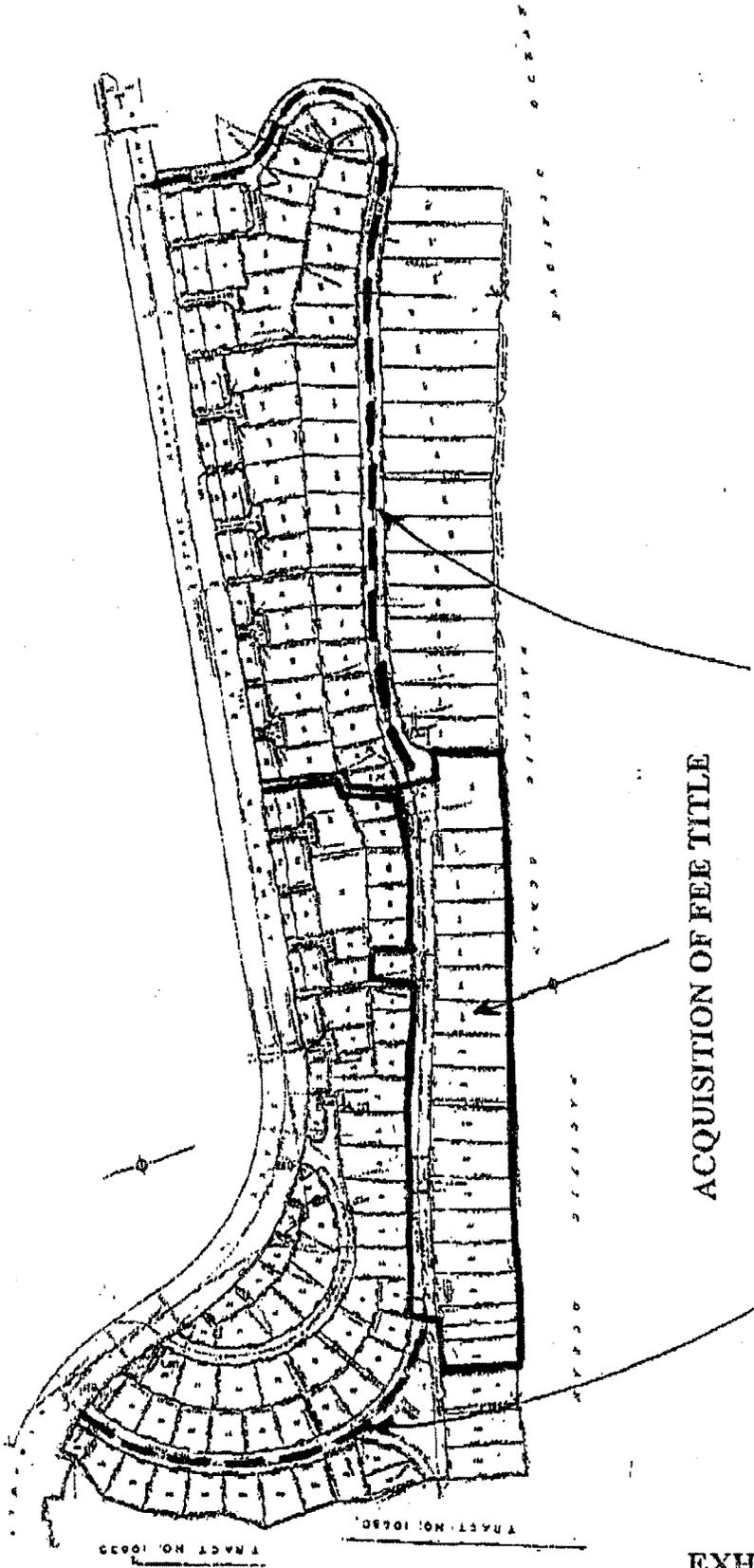
- FREEWAY
- PRIMARY UNDER GRASS UNIMPROVED
- STATE HIGHWAY
- ARTERIAL STREET



REALTY ADVISORS, Inc.

← SUBJECT →

EXHIBIT 1



ACQUISITION OF FEE TITLE

ACQUISITION OF FEE TITLE AND/OR ACCESS EASEMENTS

EXHIBIT 2

LECHUZA BEACH ACQUISITION

LOS ANGELES COUNTY
ASSESSOR'S PARCEL NUMBERS
TO BE ACQUIRED

<u>APN</u>	<u>Lot #</u>	<u>Beach Frontage</u>
4470-001-035	140	150 feet
4470-028-001	141	60 feet
4470-028-002	142	60 feet
4470-028-003	143	60 feet
4470-028-004	144	60 feet
4470-028-005	145	60 feet
4470-028-006	146	60 feet
4470-028-007	147	60 feet
4470-028-008	E ½ 148	30 feet
4470-028-009	W ½ 148	30 feet
4470-028-010	E ½ 149	30 feet
4470-028-011	W ½ 149	30 feet
4470-028-012	150	60 feet
4470-028-013	151	60 feet
4470-028-014	152	60 feet
4470-028-015	153	60 feet
4470-028-016	154	60 feet
4470-028-017	E ½ 155	30 feet
4470-028-018	W ½ 155	30 feet
4470-028-019	156	60 feet
4470-028-022	U	10 feet
4470-024-040	I	n.a.
4470-028-021	A *	n.a.
4470-024-011	76	n.a.

This Exhibit should be read together with Exhibit 2 and is intended to describe the parcels illustrated in Exhibit 2 and recommended to be acquired.

* Acquisition of fee title and/or access easements.

LOCATION OF BEACH AREAS AND PRIORITIES FOR CREATION AND IMPROVEMENT OF BEACH ACCESS

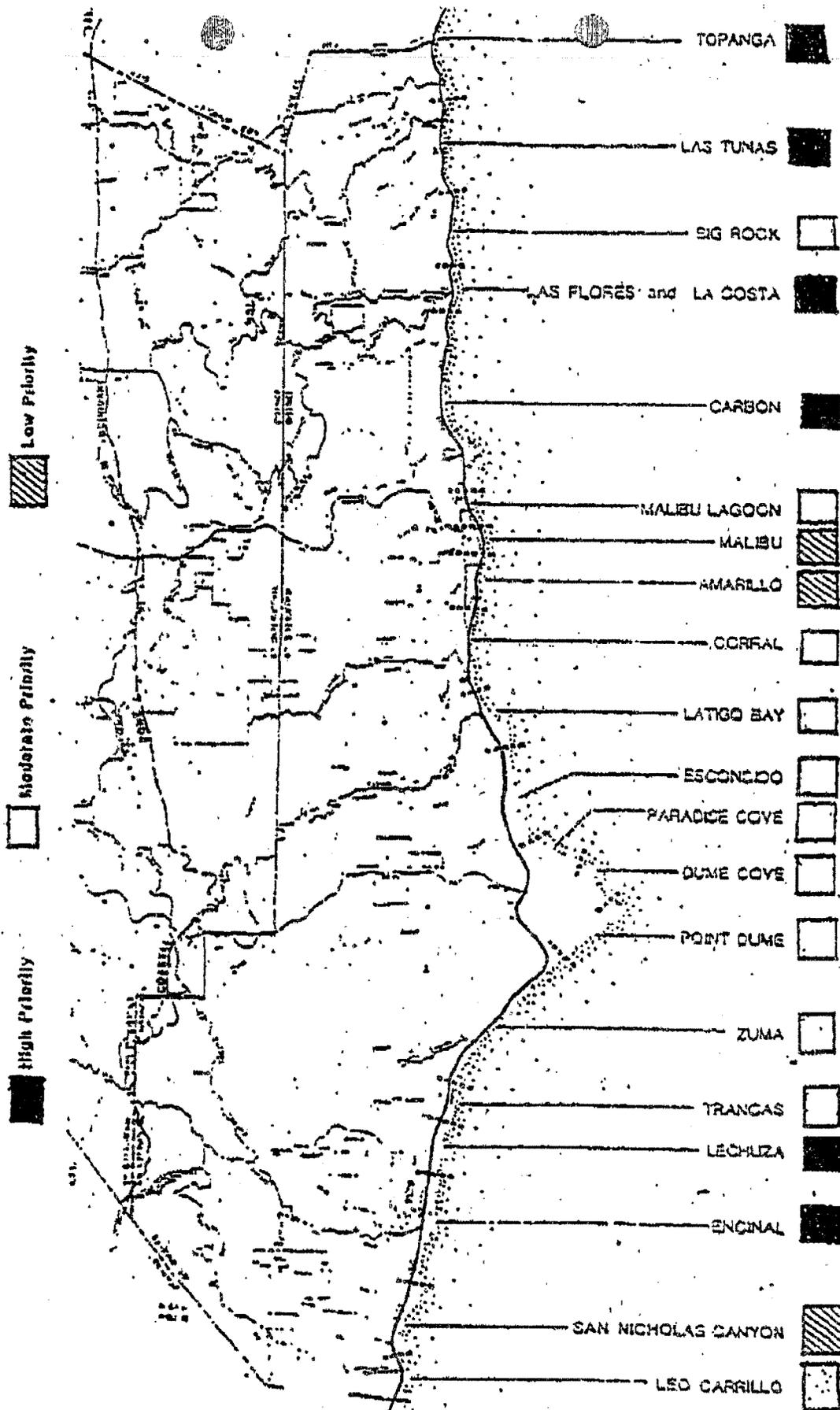


FIGURE 5

REVISED ACCESS PRIORITIES

EXHIBIT 5
City of Malibu Resolution

RESOLUTION NO. 00-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU
RENEWING ITS SUPPORT OF THE PUBLIC PURCHASE OF LECHUZA
BEACH

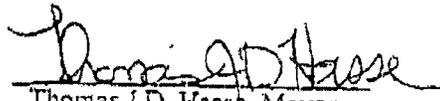
THE CITY COUNCIL OF THE CITY OF MALIBU HEREBY RESOLVES AND ORDERS AS
FOLLOWS:

Section 1. The City Council of the City of Malibu supports the public purchase of
Lechuza Beach at a fair market value.

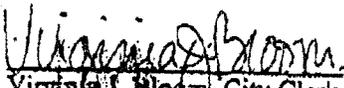
Section 2. This resolution is not related to and does not affect any current or future
litigation or settlement which involves the City of Malibu.

Section 3. The City Council of the City of Malibu will do nothing to impede or
discourage public access to Lechuza Beach.

PASSED, APPROVED and ADOPTED this 11th day of September, 2000.


Thomas J.D. Hasse, Mayor

ATTEST:


Virginia J. Bloom, City Clerk

I CERTIFY THAT THE FOREGOING RESOLUTION NO. 00-60 was passed and adopted by the
City Council of the City of Malibu at the regular meeting held on the 11th day of September, 2000,
by the following vote:

AYES: 5 COUNCILMEMBERS: Jennings, Kearsley, Barovsky, House and Hasse
NOES: 0
ABSENT: 0
ABSTAIN: 0

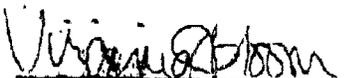

Virginia J. Bloom, City Clerk

EXHIBIT 6

Other Letters

Additional letters will be mailed separately and/or hand-carried to the meeting.



Heal the Bay

2701 Ocean Park Blvd, Suite 150
Santa Monica CA 90405
310.581.4188 fax 310.581.4195
htb@healthebay.org
www.healthebay.org

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Cindy Harrell-Horn

Debra Hill

Carl Kravetz

Jeffrey Leifer

Warren Littlefield

Julia Louis-Dreyfus

Liz Masakayan

Adán Ortega, Jr.

John Peronchio

Tony Pritzker

Trip Reeb

Michael Segal

Michael Stenstrom, Ph.D.

Art Torres

Thomas Unterman

Executive Director

Mark Gold, D. Env.

November 24, 1999

Steve Horn
State Coastal Conservancy
1330 Broadway, 11th Floor
Oakland, CA 94612

Dear Mr. Horn:

Heal the Bay strongly supports the public acquisition of Lechuza Beach and applauds the proactive role the Coastal Conservancy is taking to resolve the longstanding conflict that has threatened this beach for a decade. We urge the Conservancy to commit the necessary funding, at your December meeting, to make this purchase possible.

Southern Californians rely on our beaches for recreation and retreat from urban life. In addition, our beaches attract tourism and business to our region, sustaining our economy. It has been nearly 20 years since the public last acquired a beach on Santa Monica Bay. Meanwhile, the population of the state of California has doubled. Sixty percent of all Californians live in Southern California, and thirty percent of all Californians live in Los Angeles County. Our population demands greater access to the beach.

The opportunity to purchase 20 contiguous lots of Malibu beachfront is a rare and significant opportunity to expand our public beaches. Heal the Bay urges the Coastal Conservancy to exercise a leadership role in making Lechuza public.

Lechuza Beach provides access for both the general public and the handicapped. It offers families a sheltered swimming cove on a wide sandy beach. Lechuza has been listed as a priority for public acquisition since the state began listing the coastal properties it sought to purchase. We are concerned that the public may not have this opportunity again, or that it will come only at twice the price.

With your leadership, Lechuza Beach will become a spectacular addition to Southern California's beaches. Thank you for your help.

Sincerely,

Lisa Boyle, Esq.
Director of Law and Policy

cc: Assemblywoman Sheila Kuehl

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STATE COASTAL CONSERVANCY
OAKLAND, CALIF.



MALIBU ENCINAL HOMEOWNERS ASSOCIATION

P.O. Box 4307 • Malibu, CA 90264-4307

September 13, 2000

Gary A. Hernandez, Chair
California Coastal Conservancy
1330 Broadway, 11th Floor
Oakland, California 94612

Re: *Potential Purchase of Lechuza Beach*

Dear Mr. Hernandez:

I write as the President of the Malibu-Encinal HomeOwner's Association ("MEHOA"). The open beachfront lots along a portion of Lechuza Beach, which the Conservancy is negotiating to buy, are located in the Tract which MEHOA governs under our CC&R's.

We want to express our serious concerns over whether the Conservancy is buying a beach which it can actually make available for public use.

Unlike other public beach acquisitions or access situations, Lechuza Beach is surrounded by our homes and can only be accessed through the private roads and walkway easements which each of our more than eighty homeowner members pay to maintain and over which the homeowners hold easement rights. We believe that both the easements and the CC&R's which cover all of the lots under consideration prohibit public use and the development of parking or any other public facilities anywhere in the Tract. In the end, it may well be that the Conservancy is about to buy a beach that no one will have the right to access.

We certainly believe that if the Conservancy were to work with MEHOA and the community it represents, solutions could be found to these serious legal questions of access and use. We want you to know that MEHOA has in the past supported efforts for a public acquisition which properly balanced and respected public access and the safety and values of our community and our homes. We are willing to do so again.

Unfortunately, although the Conservancy has been dealing with the seller for months now, MEHOA was not brought into the discussion until just two weeks ago. Even then, we were not provided any concrete information and we were given to understand that there was no time left to work with us. Instead, we were told that the Conservancy is poised and determined to go forward.

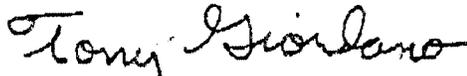
Gary A. Hernandez, Chair
California Coastal Conservancy
September 13, 2000
Page 2.

There is very little time left before a decision will be made and we have no one to deal with at this point. MEHOA has been left in a position where it cannot offer its members any assurance that any of their interests are being considered or will be protected. As you must understand, we have obligations to protect our community and we do not have the option of simply trusting that at some point someone will take our concerns into consideration.

We call upon you to delay this rush to a decision which promises to create more problems than it could ever solve. We call upon you to postpone the meeting at which the purchase will be considered so that the meeting can take place in a location where the families most directly affected will have the ability to attend and be heard. We call upon you to immediately open a serious dialogue and work with us toward a solution which is fair and respectful of everyone's rights.

Thank you.

Very truly yours,



Tony Giordano, President

TG:dt

cc: California Coastal Conservancy;
John J. Lorman, Vice Chair
William Ahern, Executive Officer
Steve Horn, Deputy Executive Officer
Margaret Azevedo
Tim Gage
Larry Goldzband
Mary Nichols
Sara Wan
Jim Burns
Fred Klass
California State Lands Commission;
Cruz Bustamante, Lt. Governor
Kathleen Connell, State Controller
B. Timothy Gage, Director of Finance
The Honorable Sheila Kuehl, Assembly

H.F. Boeckmann, II
31660 Sea Level Drive · Malibu · California · 90265

September 14, 2000

Mr. William Ahern
Executive Director
California Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, California 94612

Dear Mr. Ahern,

Every member of the public has a right to expect that their government will operate in an open and forthright manner that affords them the opportunity to have meaningful participation and input into significant decisions that impact their lives. Every member of the public also has a right to expect that these decisions will be made with the highest level of scrutiny and care. Regrettably, with respect to the proposed purchase of a portion of Lechuza Beach, the California Coastal Conservancy has fallen far short.

During the past ten years that the current developers have controlled the subject property, members of the local community have worked diligently to keep the beach free of construction. In fact, they have expended hundreds of thousands of dollars through the Malibu-Encinal Home Owners Association and contributed thousands of hours of their own time toward preservation of the beach. We believe that we share your overall objectives with respect to coastal preservation and access. What we don't share is a belief that the subject property should be purchased.

One might logically ask, "How is it that well intended parties who share the same objectives can arrive at exact opposite conclusions?" The answer, based on all appearances, is that the California Coastal Conservancy is not fully informed of all the facts. Sadly, and perhaps without meaning to do so, you have essentially excluded any meaningful participation in the process from the citizens who have been most active in a long and extensive effort to keep Lechuza Beach free.

We acknowledge that some effort has been made by the Coastal Conservancy to communicate with local residents. Unfortunately, that effort has been shallow and ineffective both in terms of disseminating information to us and providing a forum for meaningful input. For example, the first and only communication that we had with the Coastal Conservancy was when some of the Homeowners Association Board Members were invited to a meeting with Mr. Horn in late August, at which time he informed us that the Coastal Conservancy was moving to purchase the property. While Mr. Horn said that he was seeking our input, the words were perceived as somewhat hollow in that he either could not or would not provide us with sufficient information for us to fully understand the proposed acquisition, let alone evaluate it, ask meaningful questions, or provide relevant information.

The action that was perceived as the final slap in the face to local residents, and the most significant sign that the Coastal Conservancy had essentially made up its mind and did not want any additional facts, was this decision to address the matter at a meeting in Eureka. With no disrespect intended to the citizens of Eureka, this is simply wrong. It is an overt maneuver that effectively precludes the attendance and involvement of citizens who are the most familiar with the area, the ramifications of the proposed purchase, and who are arguably the most impacted by the proposed acquisition.

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September 14, 2000
Mr. William Ahern
Page 2

The members of the local community have much information about the subject property that is highly relevant. Frankly, we believe that once you are fully informed, you will reevaluate the appropriateness of purchasing the property at any price, let alone that which is contemplated. But you have not provided an appropriate forum or opportunity to air this information and ask a number of questions that have heretofore gone either unasked or unanswered.

The right thing for the Coastal Conservancy to do is defer any consideration of the purchase from your meeting in Eureka, and instead schedule a hearing in proximity to the property as soon as possible. Whether the location be Ventura, Los Angeles or Malibu, the local residents will respond to your courtesy and work with you to achieve an appropriate result. This will also be a big step toward restoring their faith in the Coastal Conservancy. Any thought that a postponement would in any manner lead to development of the beach should be discarded. As things stand now, you are accomplishing little more than bailing out a developer from a losing project. By bailing him out, you are using taxpayer dollars to fund an exorbitant profit that simply is not achievable by any attempt to develop the property. If you simply take the time to look below the surface, you will find that there are compelling reasons why this property has not been already developed or acquired by a government entity, both of which the developer has made concerted efforts to do. The same reasons exist today, and must be brought to light before a bad decision is made, rather than later as part of an investigation or condemnation of government as inefficient or ineffective.

I urge you to enable meaningful citizen participation, as well as a fair and complete evaluation of the proposed purchase. The first step toward accomplishing this is to postpone any consideration of this matter from your meeting in Eureka, and to schedule a meeting in the general vicinity of the property. I also urge you to provide the public with details of the proposed acquisition and operation (including such information as acquisition terms; plans for maintenance and security; operating restrictions for the beach; parking accommodations; compliance with the CC&Rs; what, if anything, will be built on the beach; impact on existing neighborhood roads and walkways; methods of access; and the myriad of other factors). To my knowledge, none of these have been addressed. Yet, you have at your fingertips a valuable resource which is steeped with knowledge and experience that can only be gained by intimate familiarity with the subject property and surrounding community. Please take advantage of it.

Thank you for your consideration of this request. I sincerely hope that you take the appropriate action to demonstrate that government in general, and the current administration in particular, does care about meaningful public participation, and that significant decisions that impact our lives will not be made hastily or without a proper examination of all relevant facts.

Sincerely,



H.F. Boeckmann, II